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OFFICIAL GAZETTE

GOVERNMENT OF GOA



PUBLISHED BY AUTHORITY

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GOVERNMENT OF GOA

Department of Finance

Debt Management Division

Press Communique

1-45-96/Fin(DMU)

GOA STATE DEVELOPMENT LOAN

It is notified for general information that the outstanding balance of 9.45% Goa State Development Loan 2011 issued in terms of the Government of Goa, Finance Department Notification No. 1-45-2001-Fin(Bud) dated October 05, 2001 will be repaid at par on **October 10, 2011** with interest due up to and

including October 9, 2011. In the event of a holiday being declared on the aforesaid date by any State Government under the Negotiable Instruments Act, 1881, the loan will be repaid by the paying offices in that State on the previous working day. **No interest will accrue on the loan from and after October 10, 2011,**

2. As per sub-regulation 24(2) and 24(3) of Government Securities Regulations, 2007 payment of maturity proceeds to the registered holder of Government Security held in the form of Subsidiary General Ledger or Constituent Subsidiary General Ledger account or Stock Certificate shall be made by a pay order incorporating the relevant

particulars of his bank account or by credit to the account of the holder in any bank having facility of receipt of funds through electronic means. For the purpose of making payment in respect of the securities, the original subscriber or the subsequent holders of such a Government Securities, as the case may be, shall submit to the Bank or Treasury and Sub-Treasury or branch of State Bank of India, or its subsidiary banks where they are enfaced/registered for payment of interest, as the case may be, the relevant particulars of their bank account.

3. However, in the absence of relevant particulars of bank account/mandate for receipt of funds through electronic means to facilitate repayment on the due date, holders of 9.45% Goa State Development Loan 2011, should tender their securities at the Public Debt Office, 20 days in advance. The securities should be tendered for repayment, duly discharged on the reverse thereof as under:—

“Received the Principal due on the Certificate”

4. It should be particularly noted that at places where the treasury work is done by a branch of the State Bank of India or any of its associate banks, the securities if they are in the form of Stock Certificates should be tendered at the branch of the bank concerned and not at the Treasury or Sub-treasury.

5. Holders who wish to receive payment at places other than those where the securities have been enfaced for payment should send them duly discharged to the Public Debt Office concerned by Registered and Insured Post. The Public Debt Office will make payment by issuing a draft payable at any Treasury/Sub-Treasury or branch of State Bank of India or its associate banks conducting Government Treasury work in the State of Goa.

S. Kumaraswamy, Secretary (Finance).

Porvorim, 20th September, 2011.

Department of Law & Judiciary

Legal Affairs Division

Notification

10/2/2010-LA/186

The Jharkhand Appropriation Act, 2010 (Central Act No. 22 of 2010), which has been passed by Parliament and assented to by the President of India on 17-08-2010 and published in the Gazette of India, Extraordinary, Part II, Section I dated 18-08-2010, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 25th August, 2011.

**THE JHARKHAND APPROPRIATION
ACT, 2010**

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Jharkhand for the services of the financial year 2010-11.

Be it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Jharkhand Appropriation Act, 2010.

2. *Issue of Rs. 1242,71,25,627 out of the Consolidated Fund of the State of Jharkhand for the financial year 2010-11.*— From and out of the Consolidated Fund of the State of Jharkhand there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand two hundred forty-two crores, seventy-one lakhs, twenty-five thousand and six hundred twenty seven rupees towards defraying the several charges which will come in course of payment during the financial year 2010-11, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Jharkhand by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

No. of Vote/ /Appropriation	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	3		
		Rs.	Rs.	Rs.
3 Building Construction Department	Revenue	1,82,131	..	1,82,131
4 Cabinet Secretariat and Co-ordination Department	Revenue	1,79,07,400	..	1,79,07,400
10 Energy Department	Capital	20,00,00,000	..	20,00,00,000
12 Finance Department	Revenue	2,90,00,000	..	2,90,00,000
13 Interest Payment	Revenue	..	6,06,66,000	6,06,66,000
16 National Savings	Revenue	3,00,000	..	3,00,000
17 Finance (Commercial Tax) Department	Revenue	5,39,37,400	..	5,39,37,400
18 Food, Public Distribution and Consumer Affairs Department	Revenue	1,19,723	..	1,19,723
19 Forest and Environment Department	Revenue	18,93,00,000	..	18,93,00,000
20 Health, Medical Education and Family Welfare Department	Revenue	14,47,61,000	..	14,47,61,000
22 Home Department	Revenue	1,72,41,075	..	1,72,41,075
23 Industries Department	Revenue	5,30,36,000	..	5,30,36,000
24 Information and Public Relation Department ..	Revenue	11,50,000	..	11,50,000
26 Labour, Employment and Training Department	Revenue	22,05,298	..	22,05,298
27 Law Department	Revenue	63,90,94,000	..	63,90,94,000
28 High Court of Jharkhand	Revenue	..	66,66,600	66,66,600
33 Personnel and Administrative Reforms Department	Revenue	2,46,35,000	..	2,46,35,000
35 Planning and Development Department	Revenue	9,60,00,000	..	9,60,00,000
38 Registration Department	Revenue	2,02,00,000	..	2,02,00,000
39 Disaster Management Department	Revenue	264,46,80,000	..	264,46,80,000
40 Revenue and Land Reforms Department	Revenue	20,00,000	..	20,00,000
41 Road Construction Department	Revenue	60,00,00,000	..	60,00,00,000
42 Rural Development Department	Revenue	176,49,46,000	..	176,49,46,000
	Capital	200,00,00,000	..	200,00,00,000
43 Science and Technology Department	Revenue	34,62,00,000	..	34,62,00,000
44 Secondary, Primary and Public Education Department	Revenue	298,60,50,000	..	298,60,50,000
47 Transport Department	Revenue	10,00,000	..	10,00,000
48 Urban Development and Housing Department	Revenue	42,43,90,000	..	42,43,90,000
51 Welfare Department	Revenue	10,14,58,000	..	10,14,58,000
TOTAL		1235,97,93,027	6,73,32,600	1242,71,25,627

Notification

10/2/2010-LA/170

The Civil Liability for Nuclear Damage Act, 2010 (Central Act No. 38 of 2010), which has been passed by Parliament and assented to by the President of India on 21-09-2010 and published in the Gazette of India, Extraordinary, Part II, Section I dated 22-9-2010, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 25th August, 2011.

THE CIVIL LIABILITY FOR NUCLEAR DAMAGE ACT, 2010

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THE CIVIL LIABILITY FOR NUCLEAR DAMAGE ACT, 2010

AN

ACT

to provide for civil liability for nuclear damage and prompt compensation to the victims of a nuclear incident through a no-fault liability regime channeling liability to the operator, appointment of Claims Commissioner establishment of Nuclear Damage Claims Commission and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent, application and commencement.*— (1) This Act may be called the Civil Liability for Nuclear Damage Act, 2010.

(2) It extends to the whole of India.

(3) It also applies to nuclear damage suffered—

(a) in or over the maritime areas beyond the territorial waters of India;

(b) in or over the exclusive economic zone of India as referred to in section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976; 80 of 1976.

(c) on board or by a ship registered in India under section 22 of the Merchant Shipping Act, 1958 or under any other law for the time being in force;

(d) on board or by an aircraft registered in India under clause (d) of sub-section (2) of section 5 of the Aircraft Act, 1934 or under any other law for the time being in force;

(e) on or by an artificial island, installation or structure under the jurisdiction of India.

(4) It applies only to the nuclear installation owned or controlled by the Central Government either by itself or through any authority or corporation established by it or a Government company.

Explanation.— For the purposes of this sub-section, “Government company” shall have the same meaning as assigned to it in clause (bb) of sub-section (1) of section 2 of the Atomic Energy Act, 1962. 33 of 1962.

(5) It shall come into force on such date as the Central Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Chairperson” means the Chairperson of the Commission appointed under sub-section (1) of section 20;

(b) “Claims Commissioner” means the Claims Commissioner appointed under sub-section (2) of section 9;

(c) “Commission” means the Nuclear Damage Claims Commission established under section 19;

(d) “environment” shall have the same meaning as assigned to

it in clause (a) of section 2 of the Environment (Protection) Act, 1986; 29 of 1986.

(e) "Member" means a Member of the Commission appointed under sub-section (1) of section 20;

(f) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;

(g) "nuclear damage" means—

(i) loss of life or personal injury (including immediate and long term health impact) to a person; or

(ii) loss of, or damage to, property, caused by or arising out of a nuclear incident, and includes each of the following to the extent notified by the Central Government;

(iii) any economic loss, arising from the loss or damage referred to in sub-clauses (i) or (ii) and not included in the claims made under those sub-clauses, if incurred by a person entitled to claim such loss or damage;

(iv) costs of measures of reinstatement of impaired environment caused by a nuclear incident, unless such impairment is insignificant, if such measures are actually taken or to be taken and not included in the claims made under sub-clause (ii);

(v) loss of income derived from an economic interest in any use or enjoyment of the environment, incurred as a result of a significant impairment of that environment caused by a nuclear incident, and not included in the claims under sub-clause (ii);

(vi) the costs of preventive measures, and further loss or damage caused by such measures;

(vii) any other economic loss, other than the one caused by impairment of the environment referred to in sub-clauses (iv)

and (v), in so far as it is permitted by the general law on civil liability in force in India and not claimed under any such law,

in the case of sub-clauses (i) to (v) and (vii) above, to the extent the loss or damage arises out of, or results from, ionizing radiation emitted by any source of radiation inside a nuclear installation, or emitted from nuclear fuel or radioactive products or waste in, or of, nuclear material coming from, originating in, or sent to, a nuclear installation, whether so arising from the radioactive properties of such matter, or from a combination of radioactive properties with toxic, explosive or other hazardous properties of such matter;

(h) "nuclear fuel" means any material which is capable of producing energy by a self-sustaining chain process of nuclear fission;

(i) "nuclear incident" means any occurrence or series of occurrences having the same origin which causes nuclear damage or, but only with respect to preventive measures, creates a grave and imminent threat of causing such damage;

(j) "nuclear installation" means—

(A) any nuclear reactor other than one with which a means of transport is equipped for use as a source of power, whether for propulsion thereof or for any other purpose;

(B) any facility using nuclear fuel for the production of nuclear material, or any facility for the processing of nuclear material, including re-processing of irradiated nuclear fuel; and

(C) any facility where nuclear material is stored (other than storage incidental to the carriage of such material).

Explanation.— For the purpose of this clause, several nuclear installations of one operator which are located at the same site shall be considered as a single nuclear installation;

(k) “nuclear material” means and includes—

(i) nuclear fuel (other than natural uranium or depleted uranium) capable of producing energy by a self-sustaining chain process of nuclear fission outside a nuclear reactor, either by itself or in combination with some other material; and

(ii) radioactive products or waste;

(l) “nuclear reactor” means any structure containing nuclear fuel in such an arrangement that a self-sustaining chain process of nuclear fission can occur therein without an additional source of neutrons;

(m) “operator”, in relation to a nuclear installation, means the Central Government or any authority or corporation established by it or a Government company who has been granted a licence pursuant to the Atomic Energy Act, 1962 for the operation 33 of 1962. of that installation;

(n) “prescribed” means prescribed by rules made under this Act;

(o) “preventive measures” means any reasonable measures taken by a person after a nuclear incident has occurred to prevent or minimise damage referred to in sub-clauses (i) to (v) and (vii) of clause (g), subject to the approval of the Central Government;

(p) “radioactive products or waste” means any radioactive material produced in, or any material made radioactive by exposure to, the radiation incidental to the production or utilisation of nuclear fuel, but does not include radioisotopes which have reached the final stage of fabrication so as to be usable for any scientific, medical, agricultural, commercial or industrial purpose;

(q) “Special Drawing Rights” means Special Drawing Rights as determined by the International Monetary Fund.

CHAPTER II

Liability for Nuclear Damage

3. *Atomic Energy Regulatory Board to notify nuclear incident.*—

(1) The Atomic Energy Regulatory Board constituted under the Atomic Energy Act, 1962 shall, within a 33 of 1962. period of fifteen days from the date of occurrence of a nuclear incident, notify such nuclear incident:

Provided that where the Atomic Energy Regulatory Board is satisfied that the gravity of threat and risk involved in a nuclear incident is insignificant, it shall not be required to notify such nuclear incident.

(2) The Atomic Energy Regulatory Board shall, immediately after the notification under sub-section (1) is issued, cause wide publicity to be given to the occurrence of such nuclear incident, in such manner as it may deem fit.

4. *Liability of operator.*— (1) The operator of the nuclear installation shall be liable for nuclear damage caused by a nuclear incident—

(a) in that nuclear installation; or

(b) involving nuclear material coming from, or originating in, that nuclear installation and occurring before—

(i) the liability for nuclear incident involving such nuclear material has been assumed, pursuant to a written agreement, by another operator; or

(ii) another operator has taken charge of such nuclear material; or

(iii) the person duly authorised to operate a nuclear reactor has taken charge of the nuclear material intended to be used in that reactor with which means of transport is equipped for use as a source of power, whether for propulsion thereof or for any other purpose; or

(iv) such nuclear material has been unloaded from the means of transport by

which it was sent to a person within the territory of a foreign State; or

(c) involving nuclear material sent to that nuclear installation and occurring after—

(i) the liability for nuclear incident involving such nuclear material has been transferred to that operator, pursuant to a written agreement, by the operator of another nuclear installation; or

(ii) that operator has taken charge of such nuclear material; or

(iii) that operator has taken charge of such nuclear material from a person operating a nuclear reactor with which a means of transport is equipped for use as a source of power, whether for propulsion thereof or for any other purpose; or

(iv) such nuclear material has been loaded, with the written consent of that operator, on the means of transport by which it is to be carried from the territory of a foreign State.

(2) Where more than one operator is liable for nuclear damage, the liability of the operators so involved shall, in so far as the damage attributable to each operator is not separable, be joint and several:

Provided that the total liability of such operators shall not exceed the extent of liability specified under sub-section (2) of section 6.

(3) Where several nuclear installations of one and the same operator are involved in a nuclear incident, such operator shall, in respect of each such nuclear installation, be liable to the extent of liability specified under sub-section (2) of section 6.

(4) The liability of the operator of the nuclear installation shall be strict and shall be based on the principle of no-fault liability.

Explanation.— For the purposes of this section,—

(a) where nuclear damage is caused by a nuclear incident occurring in a nuclear

installation on account of temporary storage of material-in-transit in such installation, the person responsible for transit of such material shall be deemed to be the operator;

(b) where a nuclear damage is caused as a result of nuclear incident during the transportation of nuclear material, the consignor shall be deemed to be the operator;

(c) where any written agreement has been entered into between the consignor and the consignee or, as the case may be, the consignor and the carrier of nuclear material, the person liable for any nuclear damage under such agreement shall be deemed to be the operator;

(d) where both nuclear damage and damage other than nuclear damage have been caused by a nuclear incident or, jointly by a nuclear incident and one or more other occurrences, such other damage shall, to the extent it is not separable from the nuclear damage, be deemed to be a nuclear damage caused by such nuclear incident.

5. *Operator not liable in certain circumstances.*— (1) An operator shall not be liable for any nuclear damage where such damage is caused by a nuclear incident directly due to—

(i) a grave natural disaster of an exceptional character; or

(ii) an act of armed conflict, hostility, civil war, insurrection or terrorism.

(2) An operator shall not be liable for any nuclear damage caused to—

(i) the nuclear installation itself and any other nuclear installation including a nuclear installation under construction, on the site where such installation is located; and

(ii) to any property on the same site which is used or to be used in connection with any such installation; or

(iii) to the means of transport upon which the nuclear material involved was carried at the time of nuclear incident:

Provided that any compensation liable to be paid by an operator for a nuclear damage shall not have the effect of reducing the amount of his liability in respect of any other claim for damage under any other law for the time being in force.

(3) Where any nuclear damage is suffered by a person on account of his own negligence or from his own acts of commission or omission, the operator shall not be liable to such person.

6. *Limits of liability.*— (1) The maximum amount of liability in respect of each nuclear incident shall be the rupee equivalent of three hundred million Special Drawing Rights or such higher amount as the Central Government may specify by notification:

Provided that the Central Government may take additional measures, where necessary, if the compensation to be awarded under this Act exceeds the amount specified under this sub-section.

(2) The liability of an operator for each nuclear incident shall be—

(a) in respect of nuclear reactors having thermal power equal to or above ten MW, rupees one thousand five hundred crores;

(b) in respect of spent fuel reprocessing plants, rupees three hundred crores;

(c) in respect of the research reactors having thermal power below ten MW, fuel cycle facilities other than spent fuel reprocessing plants and transportation of nuclear materials, rupees one hundred crores:

Provided that the Central Government may review the amount of operator's liability from time to time and specify, by notification, a higher amount under this sub-section:

Provided further that the amount of liability shall not include any interest or cost of proceedings.

7. *Liability of Central Government.*— (1) The Central Government shall be liable for nuclear damage in respect of a nuclear incident,—

(a) where the liability exceeds the amount of liability of an operator specified under sub-section (2) of section 6, to the extent such liability exceeds such liability of the operator;

(b) occurring in a nuclear installation owned by it; and

(c) occurring on account of causes specified in clauses (i) and (ii) of sub-section (1) of section 5:

Provided that the Central Government may, by notification, assume full liability for a nuclear installation not operated by it if it is of the opinion that it is necessary in public interest.

(2) For the purpose of meeting part of its liability under clause (a) or clause (c) of sub-section (1), the Central Government may establish a fund to be called the Nuclear Liability Fund by charging such amount of levy from the operators, in such manner, as may be prescribed.

8. *Operator to maintain insurance or financial securities.*— (1) The operator shall, before he begins operation of his nuclear installation, take out insurance policy or such other financial security or combination of both, covering his liability under sub-section (2) of section 6, in such manner as may be prescribed.

(2) The operator shall from time to time renew the insurance policy or other financial security referred to in sub-section (1), before the expiry of the period of validity thereof.

(3) The provisions of sub-sections (1) and (2) shall not apply to a nuclear installation owned by the Central Government.

Explanation.—For the purposes of this section, “financial security” means a contract of indemnity or guarantee, or shares or bonds or such instrument as may be prescribed or any combination thereof.

CHAPTER III

Claims Commissioner

9. *Compensation for nuclear damage and its adjudication.*— (1) Whoever suffers nuclear damage shall be entitled to claim compensation in accordance with the provisions of this Act.

(2) For the purposes of adjudicating upon claims for compensation in respect of nuclear damage, the Central Government shall, by notification, appoint one or more Claims Commissioners for such area, as may be specified in that notification.

10. *Qualifications for appointment as Claims Commissioner.*— A person shall not be qualified for appointment as a Claims Commissioner unless he—

(a) is, or has been, a District Judge; or

(b) in the service of the Central Government and has held the post not below the rank of Additional Secretary to the Government of India or any other equivalent post in the Central Government.

11. *Salary, allowances and other terms and conditions of service of Claims Commissioner.*— The salary and allowances payable to and other terms and conditions of service of Claims Commissioner shall be such as may be prescribed.

12. *Adjudication procedure and powers of Claims Commissioner.*— (1) For the purposes of adjudication of claims under this Act, the Claims Commissioner shall follow such procedure as may be prescribed.

(2) For the purpose of holding inquiry, the Claims Commissioner may associate with him such persons having expertise in the nuclear

field or such other persons and in such manner as may be prescribed.

(3) Where any person is associated under sub-section (2), he shall be paid such remuneration, fee or allowance, as may be prescribed.

(4) The Claims Commissioner shall, for the purposes of discharging his functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, 5 of 1908. in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copies thereof from any court or office;

(e) issuing of commission for the examination of any witness;

(f) any other matter which may be prescribed.

(5) The Claims Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. 2 of 1974.

CHAPTER IV

Claims and Awards

13. *Inviting application for claims by Claims Commissioner.*— After the notification of nuclear incident under sub-section (1) of section 3, the Claims Commissioner, having jurisdiction over the area, shall cause wide publicity to be given, in such manner as he

deems fit, for inviting applications for claiming compensation for nuclear damage.

14. *Person entitled to make application for nuclear damage.*— An application for compensation before the Claims Commissioner or the Commission, as the case may be, in respect of nuclear damage may be made by—

- (a) a person who has sustained injury; or
- (b) the owner of the property to which damage has been caused; or
- (c) the legal representatives of the deceased; or
- (d) any agent duly authorised by such person or owner or legal representatives.

15. *Procedure for making application before Claims Commissioner.*— (1) Every application for compensation before the Claims Commissioner for nuclear damage shall be made in such form, containing such particulars and accompanied by such documents, as may be prescribed.

(2) Subject to the provisions of section 18, every application under sub-section (1) shall be made within a period of three years from the date of knowledge of nuclear damage by the person suffering such damage.

16. *Award by Claims Commissioner.*— (1) On receipt of an application under sub-section (1) of section 15, the Claims Commissioner shall, after giving notice of such application to the operator and affording an opportunity of being heard to the parties, dispose of the application within a period of three months from the date of such receipt and make an award accordingly.

(2) While making an award under this section, the Claims Commissioner shall not take into consideration any benefit, reimbursement or amount received by the applicant in pursuance of contract of insurance taken by him or for members of his family or otherwise.

(3) Where an operator is likely to remove or dispose of his property with the object of evading payment by him of the amount of the award, the Claims Commissioner may, in accordance with the provisions of rules 1 to 4 of Order XXXIX of the First Schedule to the Code of Civil Procedure, 1908, grant a temporary injunction to restrain such act.

(4) The Claims Commissioner shall arrange to deliver copies of the award to the parties within a period of fifteen days from the date of the award.

(5) Every award made under sub-section (1) shall be final.

17. *Operator's right of recourse.*— The operator of the nuclear installation, after paying the compensation for nuclear damage in accordance with section 6, shall have a right of recourse where—

- (a) such right is expressly provided for in a contract in writing;
- (b) the nuclear incident has resulted as a consequence of an act of supplier or his employee, which includes supply of equipment or material with patent or latent defects or sub-standard services;
- (c) the nuclear incident has resulted from the act of commission or omission of an individual done with the intent to cause nuclear damage.

18. *Extinction of right to claim.*— The right to claim compensation for nuclear damage shall extinguish, if such claim is not made within a period of—

- (a) ten years, in the case of damage to property;
- (b) twenty years, in the case of personal injury to any person,

from the date of occurrence of the incident notified under sub-section (1) of section 3:

Provided that where a nuclear damage is caused by a nuclear incident involving nuclear material which, prior to such nuclear incident, had been stolen, lost, jettisoned or abandoned, the said period of ten years shall be computed from the date of such nuclear incident, but, in no case, it shall exceed a period of twenty years from the date of such theft, loss, jettison or abandonment.

CHAPTER V

Nuclear Damage Claims Commission

19. *Establishment of Nuclear Damage Claims Commission.*— Where the Central Government, having regard to the injury or damage caused by a nuclear incident, is of the opinion that it is expedient in public interest that such claims for such damage be adjudicated by the Commission instead of a Claims Commissioner, it may, by notification, establish a Commission for the purpose of this Act.

20. *Composition of Commission.*— (1) The Commission shall consist of a Chairperson and such other Members, not exceeding six, as the Central Government may, by notification, appoint.

(2) The Chairperson and other Members of the Commission shall be appointed on the recommendation of a Selection Committee consisting of three experts from amongst the persons having at least thirty years of experience in nuclear science and a retired Supreme Court Judge.

(3) A person shall not be qualified for appointment as the Chairperson of the Commission unless he has attained the age of fifty-five years and is or has been or qualified to be a Judge of a High Court:

Provided that no appointment of a sitting judge shall be made except after consultation with the Chief Justice of India.

(4) A person shall not be qualified for appointment as a Member unless he has attained the age of fifty-five years and—

(a) has held or is holding or qualified to hold, the post of Additional Secretary to the Government of India or any other equivalent post in the Central Government and possesses special knowledge in law relating to nuclear liability arising out of nuclear incident; or

(b) has been a Claims Commissioner for five years.

21. *Term of office.*— The Chairperson or a Member, as the case may be, shall hold office as such for a term of three years from the date on which he enters upon his office and shall be eligible for re-appointment for another term of three years:

Provided that no person shall hold office as such Chairperson or Member after he has attained the age of sixty-seven years.

22. *Salary, allowances and other terms and conditions of service of Chairperson and Members.*— The salary and allowances payable to and other terms and conditions of service, including pension, gratuity and other retirement benefits, of the Chairperson and other Members shall be such as may be prescribed:

Provided that no salary, allowances and other terms and conditions of service of the Chairperson or other Members shall be varied to his disadvantage after his appointment.

23. *Filling up of vacancies.*— If, for reasons other than temporary absence, any vacancy occurs in the office of the Chairperson or Member, as the case may be, the Central Government shall appoint another person in accordance with the provisions of this Act to fill such vacancy and the proceedings may be continued before the Commission from the stage at which it was, before the vacancy is filled.

24. *Resignation and removal.*— (1) The Chairperson or a Member may, by a notice in writing under his hand addressed to the Central Government, resign his office:

Provided that the Chairperson or the Member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

(2) The Central Government shall remove from office the Chairperson or a Member who—

- (a) has been adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as a Member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or
- (e) has so abused his position as to render his continuance in office detrimental to the public interest:

Provided that no Member shall be removed under clause (d) or clause (e) unless he has been given an opportunity of being heard in the matter.

25. Chairperson or Member deemed to retire from service.— A person who, immediately before the date of assuming office as a Chairperson or a Member, was in service of the Government, shall be deemed to have retired from service on the date on which he enters upon office as such, but his subsequent service as the Chairperson or a Member shall be reckoned as continuing approved service counting for pension in service to which he belonged.

26. Suspension of pension.— If a person who, immediately before the date of assuming office as the Chairperson or a Member was in receipt of or being eligible so to do, has opted to draw, a pension, other than a disability or wound pension, in respect of any previous service

under the Central Government, his salary in respect of service as the Chairperson or a Member shall be reduced—

- (a) by the amount of that pension; and
- (b) if he had, before assuming office, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.

27. Prohibition of acting as arbitrator.— No person shall, while holding office as a Chairperson or a Member, act as an arbitrator in any matter.

28. Prohibition of practice.— On ceasing to hold office, the Chairperson or a Member shall not appear, act or plead before the Commission.

29. Powers of Chairperson.— The Chairperson shall have the power of superintendence in the general administration of the Commission and exercise such powers as may be prescribed.

30. Officers and other employees of Commission.— (1) The Central Government shall provide the Commission with such officers and other employees as it may deem fit.

(2) The salary and allowances payable to and the terms and other conditions of service of officers and other employees of the Commission shall be such as may be prescribed.

31. Application for compensation before Commission.— (1) Every application for compensation before the Commission for nuclear damage shall be made in such form, containing such particulars and accompanied by such documents, as may be prescribed.

(2) Subject to the provisions of section 18, every application under sub-section (1) shall be made within a period of three years from the date of knowledge of nuclear damage by the person suffering such damage.

32. *Adjudication procedure and powers of Commission.*— (1) The Commission shall have original jurisdiction to adjudicate upon every application for compensation filed before it under sub-section (1) of section 31 or transferred to it under section 33, as the case may be.

(2) Upon transfer of cases to the Commission under section 33, the Commission shall hear such applications from the stage at which it was before such transfer.

(3) The Chairperson may constitute benches comprising of not more than three Members of the Commission for the purpose of hearing of claims and any decision thereon shall be rendered by a majority of the Members hearing such claims.

(4) The Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 5 of 1908. but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Commission shall have the power to regulate its own procedure including the places and the times at which it shall have its sittings.

(5) The Commission shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect 5 of 1908. of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copies thereof from any court or office;

(e) issuing of commission for the examination of any witness;

(f) any other matter which may be prescribed.

(6) The Commission shall, after giving notice of application to the operator and after affording an opportunity of being heard to the parties, dispose of such application within a period of three months from the date of such receipt and make an award accordingly.

(7) While making an award under this section, the Commission shall not take into consideration any benefit, reimbursement or amount received by the applicant in pursuance of any contract of insurance or otherwise.

(8) Where an operator is likely to remove or dispose of his property with the object of evading payment by him of the amount of the award, the Commission may, in accordance with the provisions of rules 1 to 4 of Order XXXIX of the First Schedule to the Code of Civil Procedure, 1908, 5 of 1908. grant a temporary injunction to restrain such act.

(9) The Commission shall arrange to deliver copies of the award to the parties concerned within a period of fifteen days from the date of such award.

(10) Every award made under sub-section (6) shall be final.

33. *Transfer of pending cases to Commission.*—Every application for compensation pending before the Claims Commissioner immediately before the date of establishment of the Commission under section 19 shall stand transferred on that date to the Commission.

34. *Proceedings before Claims Commissioner or Commission to be judicial proceedings.*—Every proceeding before the Claims Commissioner or the Commission

under this Act shall be deemed to be judicial proceeding within the meaning of sections 193, 219 and 228 of, and for the purposes of section 196 of, the Indian Penal Code.

35. *Exclusion of jurisdiction of civil courts.*— Save as otherwise provided in section 46, no civil court (except the Supreme Court and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution) shall have jurisdiction to entertain any suit or proceedings in respect of any matter which the Claims Commissioner or the Commission, as the case may be, is empowered to adjudicate under this Act and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

36. *Enforcement of awards.*— (1) When an award is made under sub-section (1) of section 16 or under sub-section (6) of section 32,—

(a) the insurer or any person, as the case may be, who under the contract of insurance or financial security under section 8 is required to pay any amount in terms of such award and to the extent of his liability under such contract, shall deposit that amount within such time and in such manner as the Claims Commissioner or the Commission, as the case may be, may direct; and

(b) the operator shall, subject to the maximum liability specified under sub-section (2) of section 6, deposit the remaining amount by which such award exceeds the amount deposited under clause (a);

(2) Where any person referred to in sub-section (1) fails to deposit the amount of award within the period specified in the award, such amount shall be recoverable from such person as arrears of land revenue.

(3) The amount deposited under sub-section (1) shall be disbursed to such

person as may be specified in the award within a period of fifteen days from the date of such deposit.

37. *Annual report.*— The Commission shall prepare, in such form and at such time in each financial year, as may be prescribed, an annual report giving full account of its activities during that financial year and submit a copy thereof to the Central Government which shall cause the same to be laid before each House of Parliament.

38. *Dissolution of Commission in certain circumstances.*— (1) Where the Central Government is satisfied that the purpose for which the Commission established under section 19 has served its purpose, or where the number of cases pending before such Commission is so less that it would not justify the cost of its continued function, or where it considers necessary or expedient so to do, the Central Government may, by notification, dissolve the Commission.

(2) With effect from the date of notification of dissolution of Commission under sub-section (1),—

(a) the proceeding, if any, pending before the Commission as on the date of such notification shall be transferred to the Claims Commissioner to be appointed by the Central Government under sub-section (2) of section 9;

(b) the Chairperson and all Members of the Commission shall be deemed to have vacated their offices as such and they shall not be entitled to any compensation for premature termination of their office;

(c) officers and other employees of the Commission shall be transferred to such other authority or offices of the Central Government, in such manner, as may be prescribed:

Provided that the officers and other employees so transferred, shall be entitled

to the same terms and conditions of service as would have been held by them in the Commission:

Provided further that where an officer or an employee of the Commission refuses to join the services in such other authority or office, he shall be deemed to have resigned and shall not be entitled to any compensation for premature termination of contract of service;

(d) all assets and liabilities of the Commission shall vest in the Central Government.

(3) Notwithstanding the dissolution of the Commission under sub-section (1), anything done or any action taken or purported to have been done or taken including any order made or notice issued or any appointment, confirmation or declaration made or any document or instrument executed or any direction given by the Commission before such dissolution, shall be deemed to have been validly done or taken.

(4) Nothing in this section shall be construed to prevent the Central Government to establish the Commission subsequent to the dissolution of the Commission in accordance with the provisions of this Act.

CHAPTER VI

Offences and Penalties

39. *Offences and penalties.*— (1) Whoever—

(a) contravenes any rule made or any direction issued under this Act; or

(b) fails to comply with the provisions of section 8; or

(c) fails to deposit the amount under section 36,

shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

(2) Whoever fails to comply with any direction issued under section 43 or obstructs

any authority or person in the exercise of his powers under this Act shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

40. *Offences by companies.*— (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals;

(b) “director”, in relation to a firm, means a partner in the firm.

41. *Offences by Government Departments.*— Where an offence under this Act has been committed by any Department of the Government, the Head of the Department shall

be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

42. *Cognizance of offence.*— No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act:

Provided that cognizance of such offence shall not be taken except on a complaint made by the Central Government or any authority or officer authorised in this behalf by that Government.

CHAPTER VII

Miscellaneous

43. *Power to give directions.*— The Central Government may, in exercise of its powers and performance of its functions under this Act, issue such directions, as it may deem fit, for the purposes of this Act, to any operator, person, officer, authority or body and such operator, person, officer, authority or body shall be bound to comply with such directions.

44. *Power to call for information.*— The Central Government may call for such information from an operator as it may deem necessary.

45. *Exemption from application of this Act.*— The Central Government may, by notification, exempt any nuclear installation from the application of this Act where, having regard to small quantity of nuclear material, it is of the opinion that the risk involved is insignificant.

46. *Act to be in addition to any other law.*— The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained

herein shall exempt the operator from any proceeding which might, apart from this Act, be instituted against such operator.

47. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against the Central Government or the person, officer or authority in respect of anything done by it or him in good faith in pursuance of this Act or of any rule or order made, or direction issued, thereunder.

48. *Power to make rules.*— (1) The Central Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers such rules may provide for—

(a) the other financial security and the manner thereof under sub-section (1) of section 8;

(b) the salary and allowances payable to and the other terms and conditions of service of Claims Commissioner under section 11;

(c) the procedure to be followed by Claims Commissioner under sub-section (1) of section 12;

(d) the person to be associated by Claims Commissioner and the manner thereof, under sub-section (2) of section 12;

(e) the remuneration, fee or allowances of associated person under sub-section (3) of section 12;

(f) any other matter under clause (f) of sub-section (4) of section 12;

(g) the form of application, the particulars it shall contain and the documents it shall accompany, under sub-section (1) of section 15;

(h) the salary and allowances payable to and other terms and conditions of service of Chairperson and other Members, under section 22;

(i) the powers of Chairperson under section 29;

(j) the salary and allowances payable to and the terms and other conditions of service of officers and other employees of the Commission, under sub-section (2) of section 30;

(k) the form of application, the particulars it shall contain and the documents it shall accompany, under sub-section (1) of section 31;

(l) any other matter under clause (f) of sub-section (5) of section 32;

(m) the form and the time for preparing annual report by the Commission under section 37;

(n) the manner of transfer of officers and other employees of the Commission under clause (c) of sub-section (2) of section 38.

(3) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

49. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Notification

10/2/2010-LA/185

The Clinical Establishments (Registration and Regulation) Act, 2010 (Central Act No. 23 of 2010), which has been passed by Parliament and assented to by the President of India on 18-08-2010 and published in the Gazette of India, Extraordinary, Part II, Section I dated 19-08-2010, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 25th August, 2011.

THE CLINICAL ESTABLISHMENTS (REGISTRATION AND REGULATION) ACT, 2010

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THE SCHEDULE

**THE CLINICAL ESTABLISHMENTS
(REGISTRATION AND REGULATION)
ACT, 2010**

AN

ACT

to provide for the registration and regulation of clinical establishments in the country and for matters connected therewith or incidental thereto.

Whereas, it is considered expedient to provide for the registration and regulation of clinical establishments with a view to prescribe minimum standards of facilities and services which may be provided by them so that mandate of article 47 of the Constitution for improvement in public health may be achieved;

And whereas, Parliament has no power to make laws for the States with respect to any of the matters aforesaid except as provided in articles 249 and 250 of the Constitution;

And whereas, in pursuance of clause (1) of article 252 of the Constitution, resolutions have been passed by all the Houses of the Legislatures of the States of Arunachal Pradesh, Himachal Pradesh, Mizoram and Sikkim to the effect that the matters aforesaid should be regulated in those States by Parliament by law;

Be it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, application and commencement.*— (1) This Act may be called the Clinical Establishments (Registration and Regulation) Act, 2010.

(2) It applies, in the first instance, to the whole of the States of Arunachal Pradesh, Himachal Pradesh, Mizoram and Sikkim and the Union territories; and it shall apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution.

(3) It shall come into force at once in the States of Arunachal Pradesh, Himachal Pradesh, Mizoram and Sikkim and the Union territories, on such date as the Central Government may, by notification, appoint and in any other State which adopts this Act under clause (1) of article 252 of the Constitution, on the date of such adoption; and any reference in this Act to the commencement of this Act shall, in relation to any State or Union territory, mean the date on which this Act comes into force in such State or Union territory:

Provided that different dates may be appointed for different categories of clinical establishments and for different recognised systems of medicine.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “authority” means the district registering authority set-up under section 10;

(b) “certificate” means certificate of registration issued under section 30;

(c) “clinical establishment” means—

(i) a hospital, maternity home, nursing home, dispensary, clinic, sanatorium or an institution by whatever name called that offers services, facilities requiring diagnosis, treatment or care for illness, injury, deformity, abnormality or

pregnancy in any recognised system of medicine established and administered or maintained by any person or body of persons, whether incorporated or not; or

(ii) a place established as an independent entity or part of an establishment referred to in sub-clause (i), in connection with the diagnosis or treatment of diseases where pathological, bacteriological, genetic, radiological, chemical, biological investigations or other diagnostic or investigative services with the aid of laboratory or other medical equipment, are usually carried on, established and administered or maintained by any person or body of persons, whether incorporated or not,

and shall include a clinical establishment owned, controlled or managed by—

(a) the Government or a department of the Government;

(b) a trust, whether public or private;

(c) a corporation (including a society) registered under a Central, Provincial or State Act, whether or not owned by the Government;

(d) a local authority; and

(e) a single doctor,

but does not include the clinical establishments owned, controlled or managed by the Armed Forces.

Explanation.— For the purpose of this clause “Armed Forces” means 46 of 1950. the forces constituted under the 45 of 1950. Army Act, 1950, the Air Force Act, 62 of 1957. 1950 and the Navy Act, 1957;

(d) “emergency medical condition” means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) of such a nature that the absence of immediate medical attention could reasonably be expected to result in—

(i) placing the health of the individual or, with respect to a pregnant women,

the health of the woman or her unborn child, in serious jeopardy; or

(ii) serious impairment to bodily functions; or

(iii) serious dysfunction of any organ or part of a body;

(e) "National Council" means the National Council for clinical establishments established under section 3;

(f) "notification" means a notification published in the Official Gazette;

(g) "prescribed" means prescribed by rules made under this Act by the Central Government or, as the case may be, the State Government;

(h) "recognised system of medicine" means Allopathy, Yoga, Naturopathy, Ayurveda, Homoeopathy, Siddha and Unani System of medicines or any other system of medicine as may be recognised by the Central Government;

(i) "register" means the register maintained by the authority, State Government and the Central Government under sections 37, 38 and 39 respectively of this Act containing the number of clinical establishments registered;

(j) "registration" means to register under section 11 and the expression registration or registered shall be construed accordingly;

(k) "rules" means rules made under this Act;

(l) "Schedule" means the Schedule appended to this Act;

(m) "standards" means the conditions that the Central Government may prescribe under section 12, for the registration of clinical establishments;

(n) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution; and

(o) "to stabilise (with its grammatical variations and cognate expressions)"

means, with respect to an emergency medical condition specified in clause (d) to provide such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a clinical establishment.

CHAPTER II

The National Council for Clinical Establishments

3. *Establishment of National Council.*— (1) With effect from such date as the Central Government may, by notification appoint in this behalf, there shall be established for the purposes of this Act, a Council to be called the National Council for clinical establishments.

(2) The National Council shall consist of—

(a) Director-General of Health Service, Ministry of Health and Family Welfare *ex officio*, who shall be the Chairperson;

(b) four representatives out of which one each to be elected by the—

(i) Dental Council of India constituted under section 3 of the Dentists Act, 1948; 16 of 1948.

(ii) Medical Council of India constituted under section 3 of the Indian Medical Council Act, 1956; 102 of 1956.

(iii) Nursing Council of India constituted under section 3 of the Indian Nursing Council Act, 1947; 48 of 1947.

(iv) Pharmacy Council of India constituted under section 3 of the Pharmacy Act, 1948; 8 of 1948.

(c) three representatives to be elected by the Central Council of Indian Medicine representing the Ayurveda, Siddha and Unani systems of medicine constituted

under section 3 of the Indian Medicine Central Council Act, 1970; 48 of 1970.

(d) one representative to be elected by the Central Council of Homoeopathy constituted under section 3 of the Homoeopathy Central Council Act, 1973; 59 of 1973.

(e) one representative to be elected by the Central Council of the Indian Medical Association;

(f) one representative of Bureau of the Indian Standards constituted under section 3 of the Bureau of Indian Standards Act, 1986; 63 of 1986.

(g) two representatives from the Zonal Council set-up under section 15 of the States Re-organisation Act, 1956; 37 of 1956.

(h) two representatives from the North-Eastern Council set-up under section 3 of the North-Eastern Council Act, 1971; 84 of 1971.

(i) One representative from the line of paramedical systems excluding systems that have been given representation under clause (b);

(j) two representatives from National Level Consumer Group to be nominated by the Central Government;

(k) one representative from the Associations of Indian Systems of Medicines relating to Ayurveda, Siddha and Unani to be nominated by the Central Government;

(l) the Secretary-General of the Quality Council of India, *ex officio*.

(3) The nominated members of the National Council shall hold office for three years but shall be eligible for re-nomination for maximum of one more term of three years.

(4) The elected members of the National Council shall hold office for three years, but shall be eligible for re-election:

Provided that the person nominated or elected, as the case may be, shall hold office for such period till he holds appointment of the office by virtue of which he was nominated or elected to the council.

(5) The members of the National Council shall be entitled for such allowances as may be prescribed by the Central Government.

(6) The National Council may, subject to the previous approval of the Central Government, make bye-laws fixing a quorum and regulating its own procedure and the conduct of all business to be transacted by it.

(7) The National Council shall meet at least once in three months.

(8) The National Council may constitute sub-committees and may appoint to such sub-committee, as it deems fit, persons, who are not members of the National Council, for such period, not exceeding two years, for the consideration of particular matters.

(9) The functions of the National Council may be exercised notwithstanding any vacancy therein.

(10) The Central Government shall appoint such person to be the Secretary of the National Council as the Central Government may prescribe, and may provide the National Council with such other secretarial and other staff as the Central Government considers necessary.

4. *Disqualifications for appointment as member.*— A person shall be disqualified for being appointed as a member of the National Council if he—

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(b) is an undischarged insolvent; or

(c) is of unsound mind and stands so declared by a competent court; or

(d) has been removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government; or

(e) has, in the opinion of the Central Government, such financial or other interest in the Council as is likely to affect prejudicially the discharge by him of his functions as a member.

5. *Functions of National Council.*— The National Council shall—

(a) compile and publish a National Register of clinical establishments within two years from the date of the commencement of this Act;

(b) classify the clinical establishments into different categories;

(c) develop the minimum standards and their periodic review;

(d) determine within a period of two years from its establishment, the first set of standards for ensuring proper healthcare by the clinical establishments;

(e) collect the statistics in respect of clinical establishments;

(f) perform any other function determined by the Central Government from time to time.

6. *Power to seek advice or assistance.*— The National Council may associate with itself any person or body whose assistance or advice it may desire in carrying out any of the provisions of this Act.

7. *National Council to follow consultative process.*— The National Council shall follow

a consultative process for determining the standards and for classification of clinical establishments in accordance with such procedure as may be prescribed.

CHAPTER III

Registration and Standards for Clinical Establishments

8. *State Council of clinical establishment.*—

(1) Every State Government shall by notification constitute a State Council for clinical establishments or the Union territory Council for clinical establishments, as the case may be.

(2) The State Council or the Union territory Council, as the case may be, shall consist of the following members, namely:—

(a) Secretary, Health— *ex officio*, who shall be the Chairman;

(b) Director of Health Services — *ex officio* Member-Secretary;

(c) Directors of different streams of Indian Systems of Medicine — *ex officio* members;

(d) one representative each to be elected by the executive committee of—

(i) State Medical Council of India;

(ii) State Dental Council of India;

(iii) State Nursing Council of India;

(iv) State Pharmacy Council of India;

(e) three representatives to be elected by the Executive of the State Council or the Union territory Council, as the case may be, of Indian Medicine representing the Ayurveda, Siddha and Unani systems of medicine;

(f) one representative to be elected by the State Council of the Indian Medical Association;

(g) one representative from the line of paramedical systems;

(h) two representatives from State level consumer groups or reputed non-Governmental organisations working in the field of health.

(3) The nominated member of the State Council or the Union territory Council, as the case may be, shall hold office for a term of three years, but shall be eligible for re-nomination for maximum of one more term of three years.

(4) The elected members of the State Council or the Union territory Council, as the case may be, shall hold office for three years, but shall be eligible for re-election:

Provided that the person nominated or elected, as the case may be, shall hold office for so long as he holds the appointment of the office by virtue of which he was nominated or elected to the State Council or the Union territory Council, as the case may be.

(5) The State Council or the Union territory Council shall perform the following functions, namely:—

(a) compiling and updating the State Registers of clinical establishment;

(b) sending monthly returns for updating the National Register;

(c) representing the State in the National Council;

(d) hearing of appeals against the orders of the authority; and

(e) publication on annual basis a report on the state of implementation of standards within their respective States.

9. *Providing information to National Council.*— It shall be the responsibility of the State Council for clinical establishments to compile and update the State Register of clinical establishments of the State and further to send monthly returns in digital format for updating the National Register.

10. *Authority for registration.*— (1) The State Government shall, by notification, set-up an

authority to be called the district registering authority for each district for registration of clinical establishments, with the following members, namely:—

(a) District Collector — Chairperson;

(b) District Health Officer — Convenor;

(c) three members with such qualifications and on such terms and conditions as may be prescribed by the Central Government.

(2) Notwithstanding anything contained in sub-section (1), for the purposes of provisional registration of clinical establishments under section 14, the District Health Officer or the Chief Medical Officer (by whatever name called) shall exercise the powers of the authority as per procedure that may be prescribed.

11. *Registration for clinical establishments.*— No person shall run a clinical establishment unless it has been duly registered in accordance with the provisions of this Act.

12. *Condition for registration.*— (1) For registration and continuation, every clinical establishment shall fulfil the following conditions, namely:—

(i) the minimum standards of facilities and services as may be prescribed;

(ii) the minimum requirement of personnel as may be prescribed;

(iii) provisions for maintenance of records and reporting as may be prescribed;

(iv) such other conditions as may be prescribed.

(2) The clinical establishment shall undertake to provide within the staff and facilities available, such medical examination and treatment as may be required to stabilise the emergency medical condition of any individual who comes or is brought to such clinical establishment.

13. *Classification of clinical establishments.*— (1) Clinical establishment of different systems shall be classified into such

categories, as may be prescribed by the Central Government, from time to time.

(2) Different standards may be prescribed for classification of different categories referred to in sub-section (1):

Provided that in prescribing the standards for clinical establishments, the Central Government shall have regard to the local conditions.

CHAPTER IV

Procedure for Registration

14. *Application for provisional certificate of registration.*— (1) For the purposes of registration of the clinical establishment under section 10, an application in the prescribed proforma alongwith the prescribed fee shall be made to the authority.

(2) The application shall be filed in person or by post or online.

(3) The application shall be made in such form and shall be accompanied by such details as may be prescribed under this Act or rules made thereunder.

(4) If any clinical establishment is in existence at the time of the commencement of this Act, an application for its registration shall be made within one year from the date of the commencement of this Act and a clinical establishment which comes into existence after commencement of this Act, shall apply for permanent registration within a period of six months from the date of its establishment.

(5) If any clinical establishment is already registered under any existing law requiring registration of such establishments, even then it shall apply for registration as referred to in sub-section (1).

15. *Provisional certificate.*— The authority shall, within a period of ten days from the date of receipt of such application, grant to the applicant a certificate of provisional registration in such form and containing such particulars and such information, as may be prescribed.

16. *No inquiry prior to provisional registration.*— (1) The authority shall not conduct any inquiry prior to the grant of provisional registration.

(2) Notwithstanding the grant of the provisional certificate of registration, the authority shall, within a period of forty-five days from the grant of provisional registration, cause to be published in such manner, as may be prescribed, all particulars of the clinical establishment so registered provisionally.

17. *Validity of provisional registration.*— Subject to the provisions of section 23, every provisional registration shall be valid to the last day of the twelfth month from the date of issue of the certificate of registration and such registration shall be renewable.

18. *Display of certificate of registration.*— The certificate shall be kept affixed in a conspicuous place in the clinical establishment in such manner so as to be visible to every one visiting such establishment.

19. *Duplicate certificate.*— In case the certificate is lost, destroyed, mutilated or damaged, the authority shall issue a duplicate certificate on the request of the clinical establishment and on the payment of such fees as may be prescribed.

20. *Certificate to be non-transferable.*— (1) The certificate of registration shall be non-transferable.

(2) In the event of change of ownership or management, the clinical establishment shall inform the authority of such change in such manner as may be prescribed.

(3) In the event of change of category, or location, or on ceasing to function as a clinical establishment, the certificate of registration in respect of such clinical establishment shall be surrendered to the authority and the clinical establishment shall apply afresh for grant of certificate of registration.

21. *Publication of expiry of registration.*— The authority shall cause to be published within such time and in such manner, as may be prescribed, the names of clinical establishments whose registration has expired.

22. *Renewal of registration.*— The application for renewal of registration shall be made thirty days before the expiry of the validity of the certificate of provisional registration and, in case the application for renewal is made after the expiry of the provisional registration, the authority shall allow renewal of registration on payment of such enhanced fees, as may be prescribed.

23. *Time limit for provisional registration.*— Where the clinical establishments in respect of which standards have been notified by the Central Government, provisional registration shall not be granted or renewed beyond,—

(i) the period of two years from the date of notification of the standards in case of clinical establishments which came into existence before the commencement of this Act;

(ii) the period of two years from the date of notification of the standards for clinical establishments which come into existence after the commencement of this Act but before the notification of the standards; and

(iii) the period of six months from the date of notification of standards for clinical establishments which come into existence after standards have been notified.

24. *Application for permanent registration.*— Application for permanent registration by a clinical establishment shall be made to the authority in such form and be accompanied by such fees, as may be prescribed.

25. *Verification of application.*— The clinical establishment shall submit evidence of having complied with the prescribed minimum standards in such manner, as may be prescribed.

26. *Display of information for filing objections.*— As soon as the clinical establishment submits the required evidence of having complied with the prescribed minimum standards, the authority shall cause to be displayed for information of the public at large and for filing objections, if any, in such manner, as may be prescribed, all evidence submitted by the clinical establishment of having complied with the prescribed minimum standards for a period of thirty days before processing for grant of permanent registration.

27. *Communication of objections.*— If objections are received within the period referred to in the preceding section, such objections shall be communicated to the clinical establishment for response within a period of forty-five days.

28. *Standards for permanent registration.*— Permanent registration shall be granted only when a clinical establishment fulfils the prescribed standards for registration by the Central Government.

29. *Allowing or disallowing of registration.*— The authority shall pass an order immediately after the expiry of the prescribed period and within the next thirty days thereafter either—

(a) allowing the application for permanent registration; or

(b) disallowing the application:

Provided that the authority shall record its reasons, if it disallows an application, for permanent registration.

30. *Certificate of permanent registration.*— (1) The authority shall, if it, allows an application of the clinical establishment, issue a certificate of permanent registration in such form and containing such particulars, as may be prescribed.

(2) The certificate shall be valid for a period of five years from the date of issue.

(3) For the purposes of sub-section (1), the provisions of sections 18, 19, 20 and 21 shall also apply.

(4) The applications for renewal of permanent registration shall be made within six months before the expiry of the validity of the certificate of permanent registration and, in case the application of renewal is not submitted within the stipulated period, the authority may allow renewal of registration on payment of such enhanced fees and penalties as may be prescribed.

31. *Fresh application for permanent registration.*— The disallowing of an application for permanent registration shall not debar a clinical establishment from applying afresh for permanent registration under section 24 and after providing such evidence, as may be required, of having rectified the deficiencies on which grounds the earlier application was disallowed.

32. *Cancellation of registration.*— (1) If, at any time after any clinical establishment has been registered, the authority is satisfied that,—

(a) the conditions of the registration are not being complied with; or

(b) the person entrusted with the management of the clinical establishment has been convicted of an offence punishable under this Act,

it may issue a notice to the clinical establishment to show cause within three months' time as to why its registration under this Act should not be cancelled for the reasons to be mentioned in the notice.

(2) If after giving a reasonable opportunity to the clinical establishment, the authority is satisfied that there has been a breach of any of the provisions of this Act or the rules made thereunder, it may, by an order, without prejudice to any other action that it may take against such clinical establishment, cancel its registration.

(3) Every order made under sub-section (2) shall take effect—

(a) where no appeal has been preferred against such order immediately on the

expiry of the period prescribed for such appeal; and

(b) where such appeal has been preferred and it has been dismissed from the date of the order of such dismissal:

Provided that the authority, after cancellation of registration for reasons to be recorded in writing, may restrain immediately the clinical establishment from carrying on if there is imminent danger to the health and safety of patients.

33. *Inspection of registered clinical establishments.*— (1) The authority or an officer authorised by it shall have the right to cause an inspection of, or inquiry in respect of any registered clinical establishment, its building, laboratories and equipment and also of the work conducted or done by the clinical establishment, to be made by such multi-member inspection team as it may direct and to cause an inquiry to be made in respect of any other matter connected with the clinical establishment and that establishment shall be entitled to be represented thereat.

(2) The authority shall communicate to the clinical establishment the views of that authority with reference to the results of such inspection or inquiry and may, after ascertaining the opinion of the clinical establishment thereon, advise that establishment upon the action to be taken.

(3) The clinical establishment shall report to the authority, the action, if any, which is proposed to be taken or has been taken upon the results of such inspection or inquiry and such report shall be furnished within such time, as the authority may direct.

(4) Where the clinical establishment does not, within a reasonable time, take action to the satisfaction of the authority, it may, after considering any explanation furnished or representation made by the clinical establishment, issue such directions within such time as indicated in the direction, as that authority deems fit, and the clinical establishment shall comply with such directions.

34. *Power to enter.*— The authority or an officer authorised by it may, if there is any reason to suspect that anyone is carrying on a clinical establishment without registration, enter and search in the manner prescribed, at any reasonable time and the clinical establishment, shall offer reasonable facilities for inspection or inquiry and be entitled to be represented thereat:

Provided that no such person shall enter the clinical establishment without giving notice of his intention to do so.

35. *Levy of fee by State Government.*— The State Government may charge fees for different categories of clinical establishments, as may be prescribed.

36. *Appeal.*— (1) Any person, aggrieved by an order of the registering authority refusing to grant or renew a certificate of registration or revoking a certificate of registration may, in such manner and within such period as may be prescribed, prefer an appeal to the State Council:

Provided that the State Council may entertain an appeal preferred after the expiry of the prescribed period if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) Every appeal under sub-section (1) shall be made in such form and be accompanied by such fee as may be prescribed.

CHAPTER V

Register of Clinical Establishments

37. *Register of clinical establishments.*— (1) The authority shall within a period of two years from its establishment, compile, publish and maintain in digital format a register of clinical establishments, registered by it and it shall enter the particulars of the certificate so issued in a register to be maintained in such form and manner, as may be prescribed by the State Government.

(2) Each authority, including any other authority set-up for the registration of clinical establishments under any other law for the time being in force, shall supply in digital format to the State Council of clinical establishments a copy of every entry made in the register of clinical establishments in such manner, as may be prescribed to ensure that the State Register is constantly up-to-date with the registers maintained by the registering authority in the State.

38. *Maintenance of State Register of clinical establishments.*— (1) Every State Government shall maintain in digital and in such form and containing such particulars, as may be prescribed by the Central Government a register to be known as the State Register of clinical establishments in respect of clinical establishments of that State.

(2) Every State Government shall supply in digital format to the Central Government, a copy of the State Register of clinical establishments and shall inform the Central Government all additions to and other amendments in such register made, for a particular month by the 15th day of the following month.

39. *Maintenance of National Register of clinical establishments.*— The Central Government shall maintain in digital format an All India Register to be called as the National Register of clinical establishments that shall be an amalgam of the State Register of clinical establishments maintained by the State Governments and shall cause the same to be published in digital format.

CHAPTER VI

Penalties

40. *Penalty.*— Whoever contravenes any provision of this Act shall, if no penalty is provided elsewhere, be punishable for the first offence with fine which may extend to ten thousand rupees, for any second offence with fine which may extend to fifty thousand rupees and for any subsequent offence

with fine which may extend to five lakh rupees.

41. *Monetary penalty for non-registration.*— (1) Whoever carries on a clinical establishment without registration shall, on first contravention, be liable to a monetary penalty up to fifty thousand rupees, for second contravention with a monetary penalty which may extend to two lakh rupees and for any subsequent contravention with a monetary penalty which may extend to five lakh rupees.

(2) Whoever knowingly serves in a clinical establishment which is not duly registered under this Act, shall be liable to a monetary penalty which may extend to twenty-five thousand rupees.

(3) For the purpose of adjudging under sub-sections (1) and (2), the authority shall hold an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any monetary penalty.

(4) While holding an inquiry the authority shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the authority, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, it is satisfied that the person has failed to comply with the provisions specified in sub-sections (1) and (2), it may by order impose the monetary penalty specified in those sub-sections to be deposited within thirty days of the order in the account referred to in sub-section (8) of section 42.

(5) While determining the quantum of monetary penalty, the authority shall take into account the category, size and type of the clinical establishment and local conditions of the area in which the establishment is situated.

(6) Any person aggrieved by the decision of the authority may prefer an appeal to the

State Council within a period of three months from the date of the said decision.

(7) The manner of filing the appeal referred to in sub-section (6) shall be such as may be prescribed.

42. *Disobedience of direction, obstruction and refusal of information.*— (1) Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall be liable to a monetary penalty which may extend to five lakh rupees.

(2) Whoever being required by or under this Act to supply any information wilfully withholds such information or gives information which he knows to be false or which he does not believe to be true, shall be liable to a monetary penalty which may extend to five lakh rupees.

(3) For the purpose of adjudging under sub-sections (1) and (2), the authority shall hold an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any monetary penalty.

(4) While holding an inquiry the authority shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the authority, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, it is satisfied that the person has failed to comply with the provisions specified in sub-sections (1) and (2), it may by order impose the monetary penalty specified in those sub-sections to be deposited within thirty days of the order in the account referred to in sub-section (8).

(5) While determining the quantum of monetary penalty, the authority shall take into account the category, size and type of the

clinical establishment and local conditions of the area in which the establishment is situated.

(6) Any person aggrieved by the decision of the authority may prefer an appeal to the State Council within a period of three months from the date of the said decision.

(7) The manner of filing the appeal referred to in sub-section (6) shall be such as may be prescribed.

(8) The monetary penalty levied under sections 41 and 42 shall be credited to such account as the State Government may by order specify in this behalf.

43. *Penalty for minor deficiencies.*— Whoever contravenes any provision of this Act or any rule made thereunder resulting in deficiencies that do not pose any imminent danger to the health and safety of any patient and can be rectified within a reasonable time, shall be punishable with fine which may extend to ten thousand rupees.

44. *Contravention by companies.*— (1) Where a person committing contravention of any of the provisions of this Act or of any rule made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to fine:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule made thereunder has been committed by a company and it is proved that the contravention has taken place with the

consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that contravention and shall be liable to fine.

Explanation.— For the purpose of this section,—

(a) “company” means a body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

45. *Offences by Government Departments.*— (1) Where an offence under this Act has been committed by any Department of Government within a period of six months after the commencement of this Act, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

46. *Recovery of fine.*— Whoever fails to pay the fine, the State Council of clinical establishment may prepare a certificate signed by an officer authorised by it

specifying the fine due from such person and send it to the Collector of the District in which such person owns any property or resides or carries on his business and the said Collector, on receipt of such certificate, shall proceed to recover from such person the amount specified thereunder, as if it were an arrear of land revenue.

CHAPTER VII

Miscellaneous

47. *Protection of action taken in good faith.*— (1) No suit, prosecution or other legal proceedings shall lie against any authority or any member of the National Council or State Council or any officer authorised in this behalf in respect of anything, which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rule made thereunder.

(2) No suit or other legal proceedings shall lie against a State Government or the Central Government in respect of any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rule made thereunder.

48. *Furnishing of returns etc.*— Every clinical establishment shall, within such time or within such extended time, as may be prescribed in that behalf, furnish to the authority or the State Council or the National Council such returns or the statistics and other information in such manner, as may be prescribed by the State Government, from time to time.

49. *Power to give directions.*— Without prejudice to the foregoing provisions of this Act, the authority shall have the power to issue such directions, including furnishing returns, statistics and other information for the proper functioning of clinical establishments and such directions shall be binding.

50. *Employees of the authority, etc. to be public servants.*— Every employee of the authority, the

National Council and the State Council shall be deemed to, when acting or purporting to act in pursuance of any of the provisions of this Act, be public servants within the meaning of section 21 of 45 of 1860. the Indian Penal Code.

51. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

52. *Power of Central Government to make rules.*— (1) The Central Government may, by notification, make rules for carrying out all or any of the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) allowances for the members of the National Council under sub-section (5) of section 3;

(b) appointment of such person to be the Secretary of the State Council by the Central Government under sub-section (10) of section 3;

(c) the determination of standards and for classification of clinical establishments under section 7;

(d) the qualification and the terms and conditions for the members of the authority under clause (c) of sub-section (1) of section 10;

(e) the procedure under which the powers of the authority may be exercised by the District Health Officer or Chief Medical Officer for the purpose of provisional registration of clinical establishment under sub-section (2) of section 10;

(f) the minimum standards of facilities and services under clause (i) of sub-section (1) of section 12;

(g) the minimum number of personnel under clause (ii) of sub-section (1) of section 12;

(h) the maintenance of records and reporting by the clinical establishment under clause (iii) of sub-section (1) of section 12;

(i) other conditions for registration and continuation of clinical establishment under clause (iv) of sub-section (1) of section 12;

(j) classification of clinical establishment under sub-section (1) of section 13;

(k) the different standards for classification of clinical establishments under sub-section (2) of section 13;

(l) the minimum standards for permanent registration under section 28;

(m) the form and particulars to be contained in the register to be maintained under section 38.

53. *Laying of rules.*— Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such

modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

54. *Power of State Government to make rules.*— (1) The State Government may, by notification, make rules for carrying out in respect of matters which do not fall within the purview of section 52.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the proforma and the fee to be paid for registration under sub-section (1) of section 14;

(b) the form and details of application under sub-section (3) of section 14;

(c) the particulars and information contained in certificate of provisional registration under section 15;

(d) the manner of publication of all particulars of the clinical establishments proposed to be registered under sub-section (2) of section 16;

(e) the fees to be paid to issue a duplicate certificate under section 19;

(f) the change of ownership or management to be informed by the clinical establishment to the authority under sub-section (2) of section 20;

(g) the manner in which the authority shall publish the names of the clinical establishments whose registration expired under section 21;

(h) the enhanced fees to be charged for renewal after expiry of the provisional registration under section 22;

(i) the form of the application and fees to be charged by the State Government under section 24;

(j) the manner of submitting evidence of the clinical establishments having complied with the minimum standards under section 25;

(k) the manner of displaying information of the clinical establishments having complied with the minimum standards for filing objection under section 26;

(l) the expiry of period specified in section 29;

(m) the form and particulars of the certificate of registration under section 30;

(n) the period within which an appeal shall be preferred under clause (a) of sub-section (3) of section 32;

(o) the manner of entry and search of clinical establishment under section 34;

(p) the fees to be charged by the State Government for different categories of clinical establishments under section 35;

(q) the manner and the period within which an appeal may be preferred to the State Council under sub-section (1) of section 36;

(r) the form and the fee to be paid for an appeal under sub-section (2) of section 36;

(s) the form and the manner in which the register to be maintained under sub-section (1) of section 37;

(t) the manner of supply to the State Council in digital format the entry made in the register of clinical establishment under sub-section (2) of section 37;

(u) the manner of holding an inquiry by the authority under sub-section (3) of sections 41 and 42;

(v) the manner of filing the appeal under sub-section (7) of sections 41 and 42;

(w) the manner and the time within which the information is to be furnished to

the authority or the State Council or the National Council as the case may be, under section 48;

(x) any other matter which is required to be or may be prescribed by the State Government.

55. *Laying of rules.*— Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

56. *Savings.*— (1) The provisions of this Act shall not apply to the States in which the enactments specified in the Schedule are applicable:

Provided that the States in which the enactments referred to in sub-section (1) are applicable, and such States subsequent to the commencement of this Act, adopts this Act under clause (1) of article 252 of the Constitution, the provisions of this Act shall, subsequent to such adoption, apply in that State.

(2) The Central Government may, as and when consider necessary, by notification amend the Schedule.

THE SCHEDULE

(See section 56)

1. The Andhra Pradesh Private Medical Care Establishments (Registration and Regulation) Act, 2002.

2. The Bombay Nursing Homes Registration Act, 1949.

3. The Delhi Nursing Homes Registration Act, 1953.

4. The Madhya Pradesh Upcharya Griha Tatha Rujopchar Sanbabdu Sthapamaue (Ragistrikan Tatha Anugyapan) Adhiniyam, 1973.

5. The Manipur Homes and Clinics Registration Act, 1992.

6. The Nagaland Health Care Establishments Act, 1997.

7. The Orissa Clinical Establishments (Control and Regulation) Act, 1990.

8. The Punjab State Nursing Home Registration Act, 1991.

9. The West Bengal Clinical Establishments Act, 1950.



Department of Town & Country Planning

Notification

29/8/TCP/2011/RP-21/Pt. file/3983

Whereas, the Chief Town Planner, Government of Goa, vide Notification No. 29/8/TCP/2010/RP-21/1952 dated 26-04-2011, published in the Official Gazette, Series I No. 4 dated 28-04-2011, notified the Regional Plan for Goa-2021 (Part) in respect of Satari Taluka along with Settlement Level Plan of twelve Village Panchayats and one Municipal Council, Ponda Taluka along with Settlement Level Plan of eighteen Village Panchayats and Quepem Taluka along with Settlement Level Plans of eleven Village Panchayats and two Municipal Councils with land use table as approved by the Government (hereinafter called said "Regional Plan");

And Whereas, the said Regional Plan (Surface Utilization Plan) in respect of said talukas along with Settlement Level Plans and land use table were made available for the purpose of inspection in the offices of Town and Country Planning Department as specified therein;

And whereas, the Regional Plan of Ponda Taluka was notified in respect of only eighteen Village Panchayats as villages "Gangem" and "Usgao" of Usgao Village Panchayat were part of Darbandora Taluka in terms of Notification No. 16/15/2010/RD dated 16-03-2011, published in the Official Gazette, Series I No. 51 dated 17-03-2011;

And Whereas, the Government vide Notification No. 16-15-2010/RD/2343 dated 20-05-2011, published in the Official Gazette, Series I No. 8 dated 26-05-2011, omitted the Usgao and Gangem villages from the Darbandora Taluka and included them in the Ponda Taluka.

Now, therefore, in exercise of the powers conferred by section 15 read with section 17 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Goa Act 21 of 1975), and in partial modification of the Notification No. 29/8/TCP/2010/RP-21/1952 dated 26-04-2011, published in the Official Gazette, Series I No. 4 dated 28-04-2011, I, Shri S. T. Puttaraju, Chief Town Planner, Government of Goa, hereby notify the Regional Plan for Goa-2021 (Part) in respect of Ponda Taluka along with Settlement Level Plan of nineteen Village Panchayats including Usgao Village Panchayat with land use table as approved by the Government (hereinafter called "said area").

On and from the date of publication of this Notification in the Official Gazette, all development programme undertaken by any private institution or by any other person within the said area shall conform to the provisions of such Regional Plan. However, public projects/schemes/development works, undertaken by the Central Government or by the State Government, shall be in conformity with the rules framed and procedures laid down by the Government for such projects/schemes/development works.

No person shall undertake any work of development in contravention of any provision of the Regional Plan as in force, except the projects/schemes/development works undertaken by the Central Government or the State Government, either by himself or through his servant or agent or any other person and all such development work shall be in conformity with the provisions of the Regional Plan.

The Regional Plan for Goa-2021 (Part) (Surface Utilization Plan) in respect of Ponda

Taluka along with Settlement Level Plan of nineteen Village Panchayats including Usgao Village Panchayat with land use table are available for the purpose of inspection in the office of the (a) Town and Country Planning Department (Headquarters), Dempo Tower, 2nd Floor, Patto Plaza, Panaji-Goa, (b) Ponda Taluka Office, Town and Country Planning

Department, Government Building, 2nd Floor, Near Municipal Garden, Ponda-Goa.

By order and in the name of the Governor of Goa.

S. T. Puttaraju, Chief Town Planner & ex officio Joint Secretary.

Panaji, 27th September, 2011.

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